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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,359	06/28/2001	Hiroki Yamaboshi	1422-0481P	2668

2292 7590 02/26/2003

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/869,359

Applicant(s)

YAMABOSHI ET AL.

Examiner

Lorna M. Douyon

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Sm  
#7

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Claim Rejections - 35 USC § 112***

1. Claims 1-2, 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite in the recital of "raw material particles" because it is not clear what these particles encompass.

In claim 5, line 2, "the aqueous medium" lacks support with respect to claim 1.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Cheng (US Patent No. 4,414,130).

Cheng teaches a process for preparing a readily disintegrable insoluble detergent builder particulate agglomerate comprising potato starch and type 4A molecular sieve zeolite in a 1:1 ratio, wherein the zeolite particles and starch particles are tumbled together in a Day mixer and alternatively, in a Lodige mixer until well blended, after which time 8% of water, by weight of the total of zeolite and starch charged, is sprayed onto the tumbling particles (see Example 1 under col. 17, lines 1-18, 55-64). In Example 3, Cheng also teaches the preparation of particulate agglomerate insoluble builder beads by agglomerating in an inclined tube mixer, rotating at 30 revolutions per minute, mixtures (E), (F), (I) or (J), in the presence of an additional 15% of moisture, sprayed into the mixer during the mixing operation, wherein mixture (E) is 50% zeolite 4A and 50% pentasodium tripolyphosphate; (f) is 50% zeolite 4A, 25% pentasodium tripolyphosphate and 25% corn starch; (I) is 50% zeolite 4A, 20% sodium silicate, 10% sodium carboxymethyl cellulose and 20% corn starch; and (J) is 50% zeolite 4A, 25% Na<sub>2</sub>SO<sub>4</sub> and

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25%  $\text{Na}_3\text{P}_5\text{O}_{10}$  (see Example 3 under col. 18). Even though Cheng does not explicitly disclose giving a defect to a coating film containing a water-soluble component, it would be inherent for the process of Cheng to possess the same characteristics because same process steps and ingredients have been utilized. Hence, Cheng anticipates the claims.

4. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Seiter et al. (US Patent No. 4,707,290), hereinafter "Seiter".

Seiter teaches a process for preparing a granular adsorbent by spray drying a slurry comprising zeolite NaA, sodium salt of an acrylic acid-maleic acid copolymer and sodium silicate, cooling the recovered granular adsorbent and then spraying with a liquid (molten) mixture of nonionic surfactant in a horizontally inclined cylindrical drum equipped with mixing elements and spray nozzles (Lodge mixer) (see Example 1 under col. 7). Even though Seiter does not explicitly disclose giving a defect to a coating film containing a water-soluble component, it would be inherent for the process of Seiter to possess the same characteristics because same process steps and ingredients have been utilized. Hence, Seiter anticipates the claims.

5. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Grecsek (US Patent No. 5,024,778).

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Grecsek teaches a process for preparing a detergent composition by spray drying a slurry comprising zeolite 4A, sodium polyacrylate and sodium carbonate to form spray dried base beads and spraying onto the surfaces of such tumbling base beads a normally waxy nonionic detergent in liquid state (see Example 1 under cols. 11-12). Even though Grecsek does not explicitly disclose giving a defect to a coating film containing a water-soluble component, it would be inherent for the process of Grecsek to possess the same characteristics because same process steps and ingredients have been utilized. Hence, Grecsek anticipates the claims.

6. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Kubota et al. (US Patent No. 6,376,453), hereinafter "Kubota".

Kubota teaches a process for preparing detergent particles which were obtained by supporting 23 parts by weight of a nonionic surfactant to 100 parts by weight Base Particles 1 wherein the base particles were supplied in a Lodige Mixer, agitation was initiated with the mixer having a main axis (150 rpm) and a chopper (4,000 rpm), and to the mixer was added the nonionic surfactant (see Example 1 under col. 26). Base particles 1 were prepared by spray drying a slurry resulting in a composition comprising 50% by weight zeolite, 9% by weight sodium polyacrylate, 20% by weight sodium carbonate, 10% by weight sodium sulfate, 1.5% by weight sodium sulfite, 4% by weight sodium dodecylbenzenesulfonate and 0.5% by weight auxiliary components (see col. 24, lines 12-

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66). Even though Kubota does not explicitly disclose giving a defect to a coating film containing a water-soluble component, it would be inherent for the process of Kubota to possess the same characteristics because same process steps and ingredients have been utilized. Hence, Kubota anticipates the claims.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng as applied to the above claims.

Cheng teaches the features as described above. In addition, Cheng teaches that nonionic detergent, in liquid, waxy or greasy form, either in aqueous medium, melted or otherwise made fluid, when not previously fluid, penetrates the ultimate amorphous particle or the aggregated amorphous particle to a significant extent, while not causing the surfaces of such particles to become objectionably tacky (see col. 15, lines 55-68). Cheng also teaches that nonionic surfactant is admixed with zeolite which was premixed with a soluble builder salt like pentasodium tripolyphosphate, sodium carbonate or an equal

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mixture thereof (see col. 23, lines 62-68). Cheng, however, fails to specifically disclose mixing a nonionic surfactant to the readily disintegrable insoluble detergent builder particulate agglomerate which has been previously sprayed with water.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to mix a nonionic surfactant to the readily disintegrable insoluble detergent builder particulate agglomerate which has been previously sprayed with water as in the above examples because Cheng teaches that the nonionic surfactant is admixed with zeolite which was premixed with a soluble builder salt.

9. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

703) 872-9311 - for Official After Final faxes  
703) 872-9310- for all other Official faxes.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

February 24, 2003

*Lorna M. Douyon*

Lorna M. Douyon  
Primary Examiner  
Art Unit 1751